

# EXHIBIT “D”

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GERALD RUHNOW and CONNIE )  
RUHNOW, )  
Plaintiffs, )  
vs. ) CIVIL ACTION NO.:  
LANE HEARD TRUCKING, LLC, ) 2:05 CV 527-F  
et al., )  
Defendant. )

The deposition of JIMMY HELMS taken  
pursuant to the Alabama Rules of Civil Procedure  
before Tina L. Harrison, Court Reporter and Notary  
Public, State at Large, at Court Reporting  
Associates, Inc., 256 Honeysuckle Road, Suite 23,  
Dothan, Alabama, on the 22nd day of January, 2007,  
commencing at approximately 11:02 a.m.

**CONDENSED**

## APPEARANCES

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## FOR THE PLAINTIFFS:

(Gerald Ruhnow and Connie Ruhnow)

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## FOR THE PLAINTIFF/INTERVENOR:

(Northland Insurance Company)

(Present via speakerphone)

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## FOR THE DEFENDANT: (Lane Heard Trucking, LLC)

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## APPEARANCES (Continued)

3

## FOR THE DEFENDANT: (Christy Leann Champion)

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## FOR THE DEFENDANT: (Michael Adkins)

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## STIPULATION

4

IT IS STIPULATED by and between Counsel  
for the parties that this deposition be taken at  
this time by Tina L. Harrison, Court Reporter and  
Notary Public, State at Large, who is to act as  
commissioner without formal issuance of commission  
to her; that said deposition be taken down  
stenographically, transcribed and certified by the  
commissioner.

Except for objections as to the form of  
the questions, no objections need be made at the  
time of the taking of the deposition by either  
party, but objections may be interposed by either  
party at the time the deposition is read into  
evidence, which shall be ruled upon by the Court on  
the trial of the cause upon the grounds of  
objection, then and there assigned.

The reading and signing of the deposition  
is waived.

## I N D E X

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JIMMY HELMS,

being first duly sworn to tell the truth testified  
as follows:

EXAMINATION

BY MS. HAMMETT:

Q. Hi, Corporal Helms. I'm Katie Hammett.  
I represent Lane Heard Trucking in this action  
that's being brought by Gerald Ruhnow, Connie  
Ruhnow, and Northland Insurance Company. Can you  
state your full name for the record?

A. My name is Trooper Corporal Jimmy Helms.

Q. And where do you work, Mr. Helms?

A. I work with the Alabama Department of  
Public Safety, Dothan Post.

Q. And I understand that you're a  
corporal. Can you explain the difference to me?

A. Yes, ma'am. At this present time, I'm  
the supervisor -- first line supervisor for field  
troopers that work in the field.

Q. How long have you been with the  
troopers?

A. For ten years.

Q. As a regular part of your duties as an  
Alabama state trooper, do you investigate traffic  
accidents?

A. Yes.

Q. How many traffic accidents do you think  
you've investigated over the years?

A. I've been in law enforcement for 17  
years. Probably close to a thousand, I would say.

Q. So you were in law enforcement before  
you became a state trooper?

A. Yes, I was.

Q. And what area were you in then?

A. I worked with the Montgomery Police  
Department, City of Montgomery.

Q. Did you come to investigate an accident  
that happened on March 7th, 2005, on Highway 231  
near Troy, Alabama?

A. Yes. I assisted with an accident that  
occurred there at that location.

Q. Can you tell me what you remember about  
that accident?

A. Yes, ma'am. I remember receiving a call  
about an accident. The details are very sketchy.

Initially, all we knew was that there were multiple  
injuries with a large fire. And at the time I  
responded from Troy, arrived on the scene, I found  
that all four lanes of U.S. Highway 231 were  
blocked due to an accident.

Apparently, two commercial vehicles had  
collided head-on in the northbound lanes. And at  
the time that I initially responded, we were doing  
the best we could to locate persons that were  
injured and insure they receive medical treatment  
and doing the best we could to secure the scene and  
get other units en route to assist with the  
accident.

Q. How many vehicles were involved in the  
accident?

A. The two commercial vehicles collided;  
and, also, there was an incident preceding these  
two commercial vehicles that actually contributed  
to the accident itself occurring, which was, I  
believe, a passenger vehicle. I believe it was a  
Grand Prix and a motorcycle that actually had an  
accident, causing the motorcycle to be laid down in  
the roadway, which the southbound commercial

vehicle had struck while it was in the roadway, I  
believe, disabling the vehicle, causing it to veer  
over into the northbound lane and collide with the  
northbound tractor-trailer.

Q. I'm going to show what I'm going to mark  
as Defendant's Exhibit 1.

(Whereupon, Defendant's Exhibit 1 was  
marked for identification and same is  
attached hereto.)

Q. It's a three-page accident report, and I  
believe it indicates that you were the  
investigating officer; is that correct?

A. Yes, ma'am, this is correct.

Q. As I understand it -- and correct me if  
I'm wrong -- you came to investigate the collision  
that happened between Christy Champion and Michael  
Adkins, and another trooper came to investigate the  
collision between the two tractor-trailers; is  
that --

A. That is correct. Of course, at the time  
we initially responded, we did not realize that

1 that was the circumstances. But that's how we  
2 wound up working these two incidents.

3 Q. Did you do any investigation of the  
4 collision that took place between the two tractor-  
5 trailers?

6 A. No, ma'am. The only thing I did as far  
7 as the two tractor-trailers were concerned was I  
8 assisted with one of the -- the occupants in one of  
9 the tractor-trailers. It was actually in the ditch  
10 on the northbound side of the roadway.

11 I assisted emergency personnel in getting that  
12 individual into an ambulance, and then I just  
13 helped secure the overall scene because it was  
14 all -- even though we worked two separate reports  
15 on these incidents, it was all, as we were looking  
16 at it, kind of one incident. So we secured the  
17 entire area and I assisted with that, securing the  
18 area surrounding --

19 Q. Do you know who it was that you assisted  
20 from the ditch and got into the ambulance?

21 A. No, ma'am. I never knew his name.

22 Q. Do you know whether or not he died or  
23 lived?

1 A. I don't know.

2 Q. After you had secured the area, what did  
3 you proceed to do?

4 A. We made sure that we got some more units  
5 en route to assist with securing the scene, and I  
6 called to make sure we had a traffic homicide  
7 investigator en route. We asked surrounding  
8 agencies to assist with detouring traffic from the  
9 northbound and southbound sides of 231 around the  
10 scene and coordinated with the -- made sure we had  
11 PIO en route to assist with the media that was  
12 arriving. And that's basically all.

13 Q. Did you say PINO (sic)?

14 A. Yes, ma'am.

15 Q. What is that?

16 A. Public information officer.

17 Q. And who was that that worked this  
18 accident, if you know?

19 A. I believe it was Tracy Nelson.

20 Q. And you said that you called to make  
21 sure that there was a traffic homicide  
22 investigator --

23 A. Yes, ma'am.

1 Q. -- en route? And did a traffic homicide  
2 investigator come to the scene?

3 A. Yes, he did.

4 Q. And who was that?

5 A. Trooper Kevin Cook.

6 Q. And is that some sort of specialty?

7 A. Yes, ma'am, it is.

8 Q. And I know we've got Trooper Cook, but  
9 do you know -- is that a special course? Is that  
10 a --

11 A. Yes, ma'am. They receive advanced  
12 training in investigating motor vehicle accidents  
13 with maybe loss of life.

14 Q. And other than this accident report, do  
15 you have any other notes or information on your  
16 investigation?

17 A. No, ma'am. This is all that I have,  
18 just this accident report.

19 Q. And at what point did your involvement  
20 end with the investigation of this accident?

21 A. At what point was my involvement?

22 Q. Did you assist Trooper Cook later on?  
23 Was it just that evening?

1 A. It was just that evening at the scene.  
2 I didn't give him any other assistance regarding  
3 the investigation. Primarily, my responsibility  
4 once I got there was just to secure everything,  
5 make sure that nothing was tampered with, removed  
6 until he arrived on the scene.

7 Q. And was that the case?

8 A. Yes, ma'am, that was the case. Also, we  
9 notified a Motor Carrier Safety officer to come to  
10 inspect the accident, and I believe Sergeant Ken  
11 Kelley was the one that was there on the scene for  
12 that. Anytime we have a motor vehicle accident  
13 involving serious injury or death, we have a Motor  
14 Carrier Safety officer respond to do inspections on  
15 the vehicles and what have you.

16 Q. And what are those inspections meant to  
17 do?

18 A. Well, they just check to see that these  
19 commercial vehicles were up to code or meeting  
20 specs required in the Motor Carrier Safety code.

21 Q. Do you know what the results of that  
22 investigation were?

23 A. No, ma'am. I wouldn't say it's an

14

1 investigation. It was termed an inspection.

2 Q. And that was Officer Ken Kelley?

3 A. Sergeant Ken Kelley. Yes, ma'am.

4 Q. Sergeant? Okay.

5 A. Trooper Cook may have more information  
6 regarding that inspection.

7 Q. I believe that you may have taken some  
8 sort of blood or urine sample from Christy  
9 Champion. Do you recall that?

10 A. I do not recall.

11  
12 MS. HAMMETT: I think that's all  
13 I've got.

14  
15 EXAMINATION

16 BY MR. SPARROW:

17 Q. Trooper, I have just a couple of  
18 questions for you.

19 A. Yes, sir.

20 Q. When you were first alerted to something  
21 going on out at 231 out there, on your way there,  
22 did you know about the two-commercial vehicle wreck  
23 or just the motorcycle/car wreck?

15

1 A. Well, we didn't know anything at the  
2 time. The only report that I received was that  
3 there was a major accident on U.S. Highway 231 with  
4 a large fire, and it was not until I arrived on the  
5 scene that I determined what had happened.

6 Q. When you got there, was the fire still  
7 burning or had it kind of burned itself out?

8 A. No, sir. It was heavily involved when  
9 we arrived on the scene.

10 Q. You didn't see either of the two wrecks,  
11 did you?

12 A. No, sir, I did not.

13 Q. And any information you had or have  
14 about that was from people that you talked to?

15 A. That's correct.

16 Q. And can you tell us the names of anybody  
17 that you talked to? Your report lists Ronnie  
18 Perkins and Randall Jackson on the report involving  
19 the Champion and Adkins' vehicles. Would those be  
20 the only two witnesses that you --

21 A. Yes, sir. Those would be the only two  
22 individuals. If I had spoken with anyone else, I  
23 would have included them on an additional witness

16

1 sheet, which I don't have here. So those were the  
2 only two individuals that I've spoken with  
3 regarding the accident.

4 Q. And I think somebody asked you this a  
5 minute ago. If you had any field notes, you don't  
6 have them anymore?

7 A. I didn't have any field notes whatsoever  
8 regarding this --

9 Q. Just the report --

10 A. Yes, sir.

11 Q. -- that you did but didn't have a  
12 separate notebook or a separate --

13 A. No, sir. This is what I did right  
14 here. (Indicating.)

15 Q. Okay. When you pulled up to the -- I'm  
16 fairly familiar with where this happened. It's  
17 north of what we would call the Pinckards 7-Eleven  
18 or --

19 A. That's right.

20 Q. -- convenience store.

21 A. Uh-huh.

22 Q. Where were you when you got the call?  
23 Which direction were you coming from?

17

1 A. I was in the city of Troy.

2 Q. All right. So you were coming south?

3 A. Yes, sir. I was traveling southbound on  
4 U.S. 231 when I arrived on the scene.

5 Q. Were you by yourself, or did you have  
6 another trooper or police officer in the car with  
7 you?

8 A. No, sir. I was by myself.

9 Q. Do you live -- I'm assuming, since you  
10 work out of the Dothan Post, that you live  
11 somewhere in this area?

12 A. No, sir. I live in Troy.

13 Q. All right. So you're driving back and  
14 forth between Troy and Dothan, either for personal  
15 business or in your job, just --

16 A. Yes, sir.

17 Q. -- all the time?

18 A. Uh-huh.

19 Q. Very familiar with 231?

20 A. Yes, sir.

21 Q. You know how if you're coming from Troy  
22 towards where this wreck happened, some distance  
23 back down the highway there's a little hillcrest?

18

1 A. Yes, sir.

2 Q. And you really can't see anything down  
3 there until you get to the hillcrest?

4  
5 MS. HAMMETT: Object to the form.

6  
7 Q. Correct? There's a point at which you  
8 can't see Pinckards or part of the highway down  
9 there until you get up over that little hill?

10  
11 MS. HAMMETT: Same objection.

12  
13 A. Right. That's -- well, there is a  
14 hillcrest at the next intersection north from where  
15 the accident occurred. It declines somewhat and  
16 it's -- and you can't see until you get -- there,  
17 at the county road that turns to the right, you  
18 have a more clear view of --

19 Q. The area where this wreck happened?

20 A. Yes.

21 Q. And from that hillcrest to where this  
22 wreck occurred is a straight stretch of highway?

23 A. Yes, sir, it is.

19

1 Q. As you approached that night after  
2 receiving the call, did you have any difficulty  
3 seeing the cars that we now know as Ms. Champion's  
4 car and the other vehicles that were parked down  
5 towards where that wreck occurred?

6 A. Well, at the time I pulled up there, it  
7 was difficult to see anything because it was dark  
8 and the fire was so involved. It was completely  
9 masking everything else in the area except for the  
10 emergency lights that were already there from the  
11 ambulance. So it was difficult for me to see  
12 anything because the fire was so involved.

13 Q. So could you actually see the glow of  
14 that fire even before --

15 A. Oh, yes, sir. It was --

16 Q. -- you crested that hill?

17 A. Yes, sir. You could see the fire some  
18 distance back before you actually arrived.

19 Q. Make sure I'm clear. Other than Randall  
20 Jackson, who is listed on the report, and Ronnie  
21 Perkins, who you mentioned a second ago, would it  
22 be fair to say that you didn't discuss with  
23 anybody --

20

1 A. No, sir.

2 Q. -- what happened in this initial wreck,  
3 other than perhaps, of course, Mr. Adkins and  
4 Ms. Champion?

5 A. Right.

6 Q. You did speak to them?

7 A. We spoke with them regarding the  
8 accident that they were involved in.

9 Q. And then Mr. Jackson and Perkins. And  
10 other than that, you would have made a note  
11 somewhere if there had been any other witnesses  
12 that you were aware of?

13 A. That's correct.

14 Q. Did you at any point in this  
15 investigation, Trooper Helms, speak with either a  
16 Gene Richardson -- or with Mr. Gene Richardson, who  
17 is listed on the wreck report for the two  
18 commercial vehicles?

19 A. No, sir. I don't recall speaking with a  
20 Mr. Gene Richardson at all.

21 Q. I think that's all I have. Thank you,  
22 Trooper.

23

21

1 EXAMINATION

2 BY MR. WHITT:

3 Q. Trooper Helms, my name is Murry Whitt,  
4 and I represent Mr. Adkins in this case. When you  
5 arrived at the scene, where was Christy Champion's  
6 car parked?

7 A. It was just off the road. If I recall  
8 correctly, I believe it was just off the roadway,  
9 just on the right side.

10 Q. Was that before you get to Pinckards?

11 A. Yes, sir.

12 Q. And isn't there a turn lane that goes  
13 into Pinckards, an auxiliary lane as you approach  
14 Pinckards?

15 A. I don't recall a turn -- I don't believe  
16 there's a turn lane there. I would have to go  
17 back -- I believe there is, that goes to the right,  
18 right there as you're coming into Pinckards  
19 grocery. Yes, sir. I've got it listed here.  
20 There is a turn lane there just on the right.

21 Q. And is that where her vehicle was  
22 parked? In that turn lane?

23 A. Yes, sir. It was just off the roadway



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1 A. Yes, sir.

2 Q. Okay. And what other officers were at

3 the scene besides you and Trooper Cook?

4 A. Sergeant Ken Kelley was also present.

5 Q. What did you do to assist Trooper Cook

6 in the investigation -- the homicide investigation?

7 A. I didn't do anything as far as the

8 homicide investigation is concerned. I was just

9 there to secure the scene, to make sure we didn't

10 have people wandering around in the scene touching

11 anything, other than the emergency personnel that

12 were there working, trying to save persons' lives

13 that were -- and the firefighters were there trying

14 to put out the fire.

15 Once Trooper Cook got there, he began working

16 on homicide and that's when I began doing the

17 report between Ms. Champion and Mr. Adkins, once we

18 were able to determine this was two separate

19 incidents, but the first one contributing to the

20 other.

21 Q. Did you ever get any idea from any of

22 the witnesses that you spoke with or any of the

23 drivers as to the amount of time that went by from

35

1 the initial collision between Adkins and Champion

2 and when the truck hit the motorcycle?

3

4 MS. HAMMETT: Object to the form.

5

6 A. I don't remember either of them making a

7 statement as to apparently how much time had

8 transpired, but it appeared it was just a very

9 short time after the first incident occurred, from

10 the investigation.

11 Q. This has already been covered somewhat.

12 You talked with Ms. Champion, Mr. Adkins --

13 A. Right.

14 Q. -- Mr. Jackson --

15 A. And Mr. Perkins.

16 Q. -- and Mr. Perkins. Did you obtain any

17 written statements from any of these individuals?

18 A. No, sir, I did not. I just basically

19 asked them what they observed regarding this

20 particular accident.

21 Q. Okay. And your testimony today -- is

22 your recollection based on something you recall

23 independently, or is it based on what you generated

36

1 in this report?

2 A. My recollection, as far as the incident

3 is concerned, is basically what I've got here on

4 this report. I remember the accident, but as far

5 as exact details about time, who exactly said what,

6 you know, I can't -- I can't say for sure.

7 Q. Did either Mr. Jackson or Mr. Perkins,

8 or both, tell you that they saw the incident take

9 place between Ms. Champion and Mr. Adkins?

10 A. Yes.

11 Q. Okay. And you're basing part of your

12 conclusions on what they told you, either Perkins

13 or Jackson?

14

15 MS. HAMMETT: Object to the form.

16

17 A. That's not always the case. I don't

18 always -- we take the witnesses' statements,

19 basically, but we don't use that as a determining

20 factor to determine what actually caused an

21 accident. We try to look at the scene. The

22 circumstances that exist on the scene determine

23 actually what happened, hopefully.

37

1 Q. Did you have an opportunity to take any

2 sort of measurements, I guess, relative to the

3 Champion/Adkins collision? I mean, there was no

4 fatality involved in that particular collision --

5 A. No. I did not take any measurements

6 relative to this particular accident.

7 Q. And any measurements that might have

8 been taken were done in the homicide

9 investigation --

10 A. That's correct.

11 Q. -- by Trooper Cook?

12 A. That's correct.

13 Q. Is your understanding of what Mr. Adkins

14 told you simply that he was traveling in the inside

15 or left southbound lane, and then Ms. Champion

16 entered that lane? Then he got in the other one,

17 and she got in the right lane as well?

18 A. Right.

19 Q. There's been testimony by Mr. Adkins

20 that both he and Ms. Champion were in the same

21 lane, in the right-hand lane, for about five

22 seconds before the collision occurred. Did he tell

23 you that that night?



38

1 A. I don't recall him giving me a specific  
2 time frame in which he was behind Ms. Champion  
3 before he collided with her.

4 Q. Okay. Did he tell you how fast he was  
5 driving?

6 A. Yes. I believe I did ask him  
7 approximately what his speed was. He stated to me  
8 he was doing 50 miles per hour.

9 Q. Now, 50 miles per hour, is that the  
10 speed that you would record as being a premaneuver  
11 speed, or is that impact speed?

12 A. That would have been about -- a  
13 premaneuver speed, I would say. Of course, he was  
14 braking before he actually collided with the  
15 vehicle, and I'm not sure how fast he might have  
16 been going before he actually collided with her.

17 Q. Your role in the homicide investigation  
18 was what?

19 A. I didn't have any role in the homicide  
20 investigation.

21 Q. Not at all? You didn't help with any  
22 photos?

23 A. No, sir.

39

1 Q. Do you know of anything that would have  
2 been obstructing the view of the motorcycle for  
3 traffic driving southbound, such as the 18-wheeler?

4  
5 MS. HAMMETT: Object to the form.

6  
7 A. No, sir. I don't know of anything that  
8 would have been there to obstruct the view at the  
9 time. I didn't indicate anything was obstructing  
10 his view at the time of the accident.

11 Q. I believe that's all I have. Thank you.

12  
13 MS. HAMMETT: Randolph, do you  
14 have anything?

15 MR. GILLUM: No.

16 MS. HAMMETT: I have just a  
17 couple, just to be sure.

18  
19 EXAMINATION

20 BY MS. HAMMETT:

1 Q. You didn't take any photos of this  
22 accident?

23 A. No, ma'am, I didn't.

40

1 Q. You didn't take any video of this  
2 accident?

3 A. No, ma'am, I didn't.

4 Q. Did you observe Ms. Adkins' vehicle  
5 after the accident?

6 A. Ms. Champion?

7 Q. I mean Ms. Champion. I'm sorry.

8 A. Yes, ma'am. I did see her vehicle.

9 Q. Do you recall what damage it sustained?

10 A. It was just very minor damage to the  
11 rear end where the motorcycle impacted it.

12 Q. Do you recall whether or not her  
13 taillights were busted out?

14 A. I can't recall. I don't recall if her  
15 light was busted out or not.

16 Q. Did you observe Mr. Adkins' motorcycle  
17 after the accident?

18 A. Yes, ma'am.

19 Q. What did it look like?

20 A. Well, it was in pieces. It had been  
21 drug for some distance under the other vehicle --  
22 under the commercial vehicle, I believe. But it  
23 was torn up pretty good.

41

1 Q. Would there be any way for you to  
2 determine what damage was done to that motorcycle  
3 as a result of the incident with Ms. Champion  
4 versus being drug under the --

5 A. I wouldn't be able to determine --

6 Q. -- tractor-trailer?

7 A. I wouldn't have the ability to do that.

8  
9 MS. HAMMETT: That's all I have.

10  
11 EXAMINATION

12 BY MR. SPARROW:

13 Q. I just have one or two, Trooper.

14 A. Yes, sir.

15 Q. You mentioned in some discussion earlier  
16 about whether or not the lights were on  
17 Ms. Champion's vehicle when you arrived. You said  
18 you didn't recall --

19 A. Right. I didn't.

20 Q. -- headlights or taillights.

21 A. Right.

22 Q. I just want to make sure it's clear that  
23 you just don't remember; is that correct?